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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/269,573	07/16/1999	YOSHIHIDE HAYASHIZAKI	024705-083	1269

21839 7590 05/22/2002  
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ALEXANDRIA, VA 22313-1404

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 05/22/2002

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner of Patents and Trademarks

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 1.192(c)

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR  
1.192(c)**

1. The brief contains an incorrect statement of the status of all the claims, pending or canceled, and identify the claims appealed as required by 37 CFR 1.192(c)(3). On page 3 of the Brief, Applicant incorrectly states, "On March 4, 1997, claim 26 was canceled and new claim 31 was added." The correct date is January 18, 2000. Also on page 3 of the Brief, Applicant incorrectly states, "On July 30, 2001, claims 1, 2, 4, 5, 7-9, 11, 15, 18, 23-25, 27, 32 and 33 were rejected." No rejection was made on this or any date covering just these claims.
2. The brief does not contain a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line number, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5). A correct summary of the Invention would refer to the specification by page and line number for teachings of the invention e.g. a teaching of a method for detecting fragment comprising fragments fixed on a substrate wherein the fragments have all of the sequence of a full-length gene (as required in Claims 1-22 and 32-33); a teaching of a protein labeled with GFP (as required in Claims 23-27); and a teaching of an article comprising a substrate having a surface on which one or more fragments have all of the sequence of a full-length gene fixed in a hybridizable condition (as required in Claim 28-31).
3. The brief contains an incorrect statement of the issues presented for review as required by 37 CFR 1.192(c)(6). On page 4 of the Brief, Applicant incorrectly states "The examiner has rejected claim 1-25 and 27-30 under 35 U.S.C. § 103(a) as purportedly obvious over Wagner et al." In the Office Action of Paper No. 22, dated 2 October 2001, claims 1-4, 19-21 and 28-32 were rejected under 35 U.S.C. § 103(a) as obvious over Wagner et al.
4. The brief contains an incorrect grouping of the as required by 37 CFR 1.192(c)(6). On page 5 of the Brief, Applicant incorrectly states that "the rejection of

claims 1-25 and 27-30 under 35 U.S.C. § 103(a) as purportedly obvious over Wagner et al.” In the Office Action of Paper No. 22, dated 2 October 2001, claims 1-4, 19-21 and 28-32 were rejected under 35 U.S.C. § 103(a) as obvious over Wagner et al.

5. Appellant is required to comply with provisions of 37 CFR 1.192(c).

6. To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191.

Extensions of these time periods may be granted under 37 CFR 1.136.


### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (703) 306-5878. The examiner can normally be reached on 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones can be reached on (703) 308-1152. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-8724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

BJ Forman, Ph.D.  
Patent Examiner  
Art Unit: 1634  
May 15, 2002

  
**W. Gary Jones**  
**Supervisory Patent Examiner**  
**Technology Center 1600**